

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|------------------------------|---|----------------------|
| SEAN REDCLIFT, individually, | : | |
| and, as ADMINISTRATOR OF THE | : | JURY TRIAL DEMANDED |
| ESTATE OF STACY REDCLIFT, | : | |
| | : | |
| PLAINTIFF | : | No. 4:22-CV-0027-WIA |
| | : | |
| VS. | : | |
| | : | |
| SCHUYLKILL COUNTY, et al. | : | |
| | : | |
| DEFENDANTS | : | |

**PLAINTIFF’S MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF
5000 WORDS IN OPPOSITION TO DEFENDANTS’ MOTION TO
DISMISS**

AND NOW, comes Plaintiff, Sean Redclift, individually and as Administrator of the Estate of Stacy Redclift, by and through his attorneys, Fanelli, Evans & Patel, P.C., hereby files this Motion for Leave to File a Brief in Excess of 5000 Words in Opposition to the Motion to Dismiss Filed by Defendants, Coaldale Borough, Coaldale Police Department, and Office Matthew Jungbaer, and in support thereof, aver as follows:

1. Plaintiff, Sean Redclift, Individually and as Administrator of the Estate of Stacy Redclift, initiated this civil action by filing a Complaint against the Defendants on January 6, 2022. (Docket No. 1).

2. Plaintiff's Complaint asserted the following claims:

- a. Deliberate Indifference to Mrs. Redclift's Serious Medical Needs and to Her Known Risk of Suicide Pursuant to Section 1983 and the Fourteenth Amendment (Count I, Count III, Count V);
- b. Deliberate Indifference to Civil Rights Pursuant to Section 1983, Custom, Pattern, Practice, Policy, Training (Count II, Count IV and Count VI);
- c. Common Law Negligence (Count VII);
- d. Wrongful Death Act 42 PA. C.S. §8301 (Count VIII); and,
- e. Survival Action 42 PA. C.S.A. §8302 (Count IX)

3. The Complaint is 79 pages and 213 paragraphs.

4. Defendants, Coaldale Borough, Coaldale Police Department and Officer Matthew Jungbaer filed a Motion to Dismiss Plaintiff's Complaint on or about March 8, 2022.

5. Defendants, Coaldale Borough, Coaldale Police Department and Officer Matthew Jungbaer filed their Brief in Support of the aforementioned Motion on March 21, 2022.

6. In accordance with Local Rule 7.8(b), a brief in opposition to a motion to dismiss is limited to 15 pages or 5,000 words.

7. Given the length of Plaintiff's Complaint and the number and complexity of issues raised in Defendants' Motion to Dismiss, there is a necessity

for Plaintiff to exceed the page/word limits imposed by Local Rule 7.8(b) in opposing the Motion.

8. If Plaintiff is not afforded leave to exceed the page/word limits, he will not be able to fully, thoroughly, and appropriately articulate the legal and factual bases upon which his opposition rests.

9. As such, if Plaintiff is not afforded leave to exceed the page/word limits, he will be substantially and materially prejudiced.

10. Consequently, it is believed and therefore averred that the granting of the instant Motion is in the interests of justice and fairness and promotes the long-standing federal court policy to resolve disputes on their merits, rather than on procedural technicalities. *See Foman v. Davis*, 371 U.S. 178, 181 (1962); *Caldwell v. Folino*, 394 Fed. App'x 912, 914 (3d Cir. 2010).

11. It is further believed and therefore averred that the granting of the instant Motion will not materially prejudice any party in this case.

12. Plaintiff is unopposed to a similar extension for Defendants, should they feel the need to file a Reply Brief.

13. Plaintiff anticipates filing a Brief in Opposition the body of which is approximately 39 pages and 8,994 words.

14. Plaintiff respectfully requests that this Honorable Court grant the instant Motion.

WHEREFORE, Plaintiff, Sean Redclift, Individually and as Administrator of the Estate of Stacy Redclift, respectfully requests this Court grant their Motion to Leave and enter an Order consistent with the attached proposed Order.

RESPECTFULLY SUBMITTED,

/s/ Eric M. Prock
ERIC M. PROCK, ESQUIRE
Attorney I.D. No. 208315
FANELLI, EVANS & PATEL, P.C.
The Necho Allen
No. 1 Mahantongo Street
Pottsville, PA 17901
570-622-2455 (phone)
570-622-5336 (fax)
eprock@feplawyers.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|------------------------------|---|--------------------------|
| | : | JURY TRIAL DEMANDED |
| SEAN REDCLIFT, individually, | : | |
| and, as ADMINISTRATOR OF THE | : | |
| ESTATE OF STACY REDCLIFT, | : | No. 4:22-CV-0027-WIA |
| | : | Hon. William I. Arbuckle |
| PLAINTIFF | : | |
| | : | |
| VS. | : | |
| | : | |
| SCHUYLKILL COUNTY, et al. | : | |
| | : | |
| DEFENDANTS | : | |

I, ERIC M. PROCK, Esquire, hereby certify that a true and correct copy of the foregoing ***Plaintiff's Motion for Leave to File a Brief in Excess of 5000 Words in Opposition to Defendants' Motion to Dismiss*** has been served on the following, via email, mail and/or certified mail only:

VIA EFILING ONLY

Sheryl L. Brown, Esquire
Connie E. Henderson, Esquire
941 Pottstown Pike, Suite 200
Chester Springs, PA 19425
slbrown@sianalaw.com
cegenderson@sianalaw.com

Counsel for Defendants, Coaldale Borough, Coaldale Borough Police Department and Coaldale Borough Police Officer Matthew Jungbaer

David J. MacMain, Esquire
Kelsey A. Hoffman, Esquire
 433 West Market Street, Suite 200
 West Chester, PA 19382
khoffman@macmainlaw.com
dmacmain@macmainlaw.com

Counsel for Defendants, Schuylkill County, Schuylkill County Prison Board, Eugene Berdanier, Former Warden, Lt. Barron Line, CO Justine Garcia, CO Robert Selgrade, CO Brian Gotshall, Lt. Thomas Homan, Jr., CO Kylee Rauenzahn, CO Rebecca Bergan, CO Cassandra Confer, CO Christopher Fertig, CO William Schweikert, Elaine Gilbert, LT. Gary Keppel, Jeffrey Moyer, Ryan Parker

VIA REGULAR MAIL ONLY

PrimeCare Medical, Inc.

3940 Locust Lane
Harrisburg, PA 17109

John Doe Coaldale Police Officers #'s 1 and 2

221 3rd Street
Coaldale, PA 18218

Nicole Hollywood, LPN

Primecare Medical, Inc.
3940 Locust Lane
Harrisburg, PA 17109

Alyssa Hysock, LPN

Primecare Medical, Inc.
3940 Locust Lane
Harrisburg, PA 17109

Cayla Sullivan, LPN

623 West Arch Street
Pottsville, PA 17901

Tara Hamm, LPN HSA

Health Services Administrator
Primecare Medical, Inc.
3940 Locust Lane
Harrisburg, PA 17109

Paula Dillman-McGowan, CRNP

Primecare Medical, Inc.
3940 Locust Lane
Harrisburg, PA 17109

Nicole Macaluso, CRNP

105 Read Oak Drive
Danville, PA 17821

Catharine Galle, LPN

447 E. Norwegian Street
Pottsville, PA 17901

Kimberly Ryan, LPN

Primecare Medical, Inc.
3940 Locust Lane
Harrisburg, PA 17109

Carina Gross, LPN
Primecare Medical, Inc.
3940 Locust Lane
Harrisburg, PA 17109

Kendal Jemiola
Assistant Regional Manager
Primecare Medical, Inc.
3940 Locust Lane
Harrisburg, PA 17109

C/O Billie Jo Bender
21 Pine Lane
Pine Grove, PA 17963

By: /s/ Eric M. Prock
ERICK M. PROCK, ESQUIRE

Date: April 1, 2022